

~~SUPPLEMENTAL~~
Notice of Allowability

Application No. ^{4/11}

10/659,933

Examiner

Sara Addisu

Applicant(s)

ISHIDA, TAKUYA

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/5/06.
2. ☒ The allowed claim(s) is/are 1 and 3-23.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12/5/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material


Daniel W. Howell
Primary Examiner
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5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/06 has been entered.

Information Disclosure Statement

The information disclosure statement filed 12/5/06 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

- Document number 52-165079 was listed on the IDS, however it was not provided by the Applicant.
- Document number 54-88991 was provided but was not listed on the IDS (Examiner has included it in the references cited)

Allowable Subject Matter

Claims 1 and 3-23 are allowed.

Regarding independent Claims 8, 9, 10, 13 and 14: The closest prior art to the instant invention is Niebauer (U.S. Patent No. 5,122,017). Niebauer teaches a double-sided cutting insert (2) having top and bottom (principal) rake faces and seating surfaces (6 & 8), side surfaces (12), peripheral cutting edge (22), land area (24), plateau (central portion) (62) with protrusions extend towards the corners as well as midway between the corners and a floor/recess (40) located between the land and the plateau (central portion) ('017, Figure 2 and Col. 2, lines 28-36) ['017, Col. 4, lines 56-57 teach double sided insert). Niebauer also teaches in Figure 6, top surface of plateau (and also protrusion) being planar that serve as contact surface when attached to tool holder. Although Niebauer fails to teach a land surface that is planar and serve as contact surface (along with top surface of the protrusion) when attached to tool holder, it could be modified by Toyose (JP 11-277307) which teaches a double-sided insert having a planar seat (7) and land (4) with a straight part (9) that is on the same plane (i.e. same height) as the seat (7) (JP 11-277307, figures 2 and abstract). Both the straight part (9) of the land and seat (7) serve as contact surface when attached to the tool holder (JP 11-277307, figure 3).

However, the prior art of record, Niebauer, fails to anticipate or make obvious providing the insert with a ratio of areas of the central surface and said land surface in the principal surface that ranges from 50 to 90% (Claim 8). Niebauer also fails to

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anticipate or make obvious providing a distance of 0.5 mm or less between the distal end of the protrusion, that is located at the same height as the central surface and the land surface or a height of the distal end of said protrusion decreasing by an angle in a the range from 10 to 60 degrees toward said land surface (Claim 9). Additionally, Niebauer, fails to anticipate or make obvious providing the insert's recess with dimensions in a range from 0.1 mm to 0.6 mm in recess depth (h1), from 0.7 mm to 2 mm in recess width (w), from 0.3 mm to 1.5 mm in width (w1) from the land surface side to the bottom of the recess, and from 0.5 mm to 1.7 mm in width (w2) from the bottom of said recess to said central surface (Claim 14). Regarding claims 10 and 13, Niebauer, fails to anticipate or make obvious a linkage portion connecting at least one protrusion and the edge of the land surface. It should be noted that although Wiman et al. (U.S. Patent No. 5,743,681) teaches an insert having a land surface (6) protrusion (11) and a linkage portion (13) ('681, figure 6 and Col. 3, lines 8-15), the linkage portion (13) touches the protrusions (11) but does not actually touch/connect the edge of the land surface (6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Addisu at (571) 272-6082. The examiner can normally be reached on 8:30 am - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SA
12/22/06



Daniel W. Howell
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Art Unit 3722